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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,362	08/29/2000	Julie J. Bennett	42390P9622	8226

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10/19/2006

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EXAMINER

WONG, LESLIE

ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/650,362	Applicant(s) BENNETT ET AL.	
	Examiner Leslie Wong	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14-23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-23 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/29/2006 has been entered.

Withdrawal of Rejections

2. Applicants' amendments overcome the 112 and 101 rejections raised in Office Action, dated 18 May 2006. Accordingly, the above-mentioned rejections are hereby withdrawn by the Examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 3-12, 14-23, and 25-33 are rejected under 35 U.S.C. 102(e) as being anticipated by **Jacobi et al.** ("Jacobi") (U.S. Patent 6,317,722 B1).

Regarding claims 1, 12, and 23, **Jacobi** teaches a method and an apparatus comprising:

- a). upon a user accessing a virtual store having a visual browser via a computer network, displaying a random assortment of graphical representations (col. 5, line 20, See the Amazon.com image in the "Response to Arguments" section) of products to the user associated with the virtual store (col. 5, lines 19-22 and 32-35);
- b). creating a plurality of categories, each category identifying an attribute (col. 5, lines 32-35; col. 7, lines 5-7 and 14-17; col. 1, lines 16-22 and 46-49);
- c). associating products (i.e. books, CDs, or videos) having at least one attribute with at least one category (i.e., non-fictions, comedies) (col. 2, lines 46-49);
- d). allowing a user in communication with the visual browser to non-verbally select a main product (col. 5, lines 32-35; col.7, lines 5-7; and); and
- d). upon the non-verbally selection of a main product, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user (col. 3, lines 52-55; col. 10, lines 45 – 63; col. 7, lines 5-9; col. 4, lines 2-6; Fig. 2, element 94).

Regarding claims 3, 14, and 25, **Jacobi** further teaches a step comprising, displaying at least one other product that is not related by a category to the main product (col. 4, lines 2-6).

Regarding claims 4, 15, and 26, **Jacobi** further teaches a step comprising, assigning a weight bias to each category based upon a predefined importance of the respective category (col. 3, lines 23-27).

Regarding claims 5, 16, and 27, **Jacobi** further teaches a step comprising:

- a). determining "like" categories for the main product, a "like" category being a category that the main product is associated with (col. 8, lines 60-63);
- b). selecting one of the "like" categories (col. 10, line 63 – col. 11, line 2); and
- c). randomly selecting the at least one other related product from the selected "like" category (col. 5, lines 19-22).

Regarding claims 6, 17, and 28, **Jacobi** further teaches a step wherein selecting one of the "like" categories includes utilizing the weight biases for the categories in a randomly based selection algorithm to select one of the "like" categories (col. 8, lines 28-39).

Regarding claims 7, 18, and 29, **Jacobi** further teaches a step comprising:

- a). determining "dislike" categories for the main product, a "dislike" category being a category that the main product is not associated with (col. 15, lines 58-62);
- b). selecting one of the "dislike" categories utilizing the weight biases for the categories in a randomly based selection algorithm (col. 5, lines 19-31); and

c). randomly selecting at least one other product from the selected "dislike" category (col. 5, lines 19-31).

Regarding claims 8, 19, and 30, **Jacobi** further teaches a step comprising:

a). selecting a category from the plurality of categories utilizing the weight biases of the categories in a randomly based selection algorithm (col. 14, lines 36-48); and

b). randomly selecting a product from the selected category (col. 5, lines 19-22).

Regarding claims 9, 20, and 31, **Jacobi** further teaches a step comprising:

a). scoring each product based upon weight biases of "like" categories (Fig. 5, element 180) and "dislike" categories (Fig. 5, element 190), a "like" category being a category that the main product is associated with, a "dislike" category being a category that the main product is not associated with, a weight bias being a predefined value assigned to each respective category to denote the respective category's importance (col. 8, lines 28-38);

b). creating a "like" score table, the "like" score table including a "like" score for each of the products indicating the relatedness of the product to the main product (Fig. 1, element 60); and

c). randomly selecting the at least one other related product from the "like" score table using the "like" scores as a weight bias (col. 12, lines 61-65).

Regarding claims 10, 21, and 32, **Jacobi** further teaches a step comprising:

- a). creating a "dislike" score table, the "dislike" score table including a "dislike" score for each product indicating the unrelatedness of the product to the main product, the "dislike" score table being the transposition of the "like score table" (col. 8, lines 28-39); and
- b). randomly selecting at least one other product from the "dislike" score table using the "dislike" scores as a weight bias (col. 5, lines 19-31).

Regarding claims 11, 22, and 33, **Jacobi** further teaches a step of selecting at least one other product at random from one of the plurality of categories (col. 5, lines 19-22).

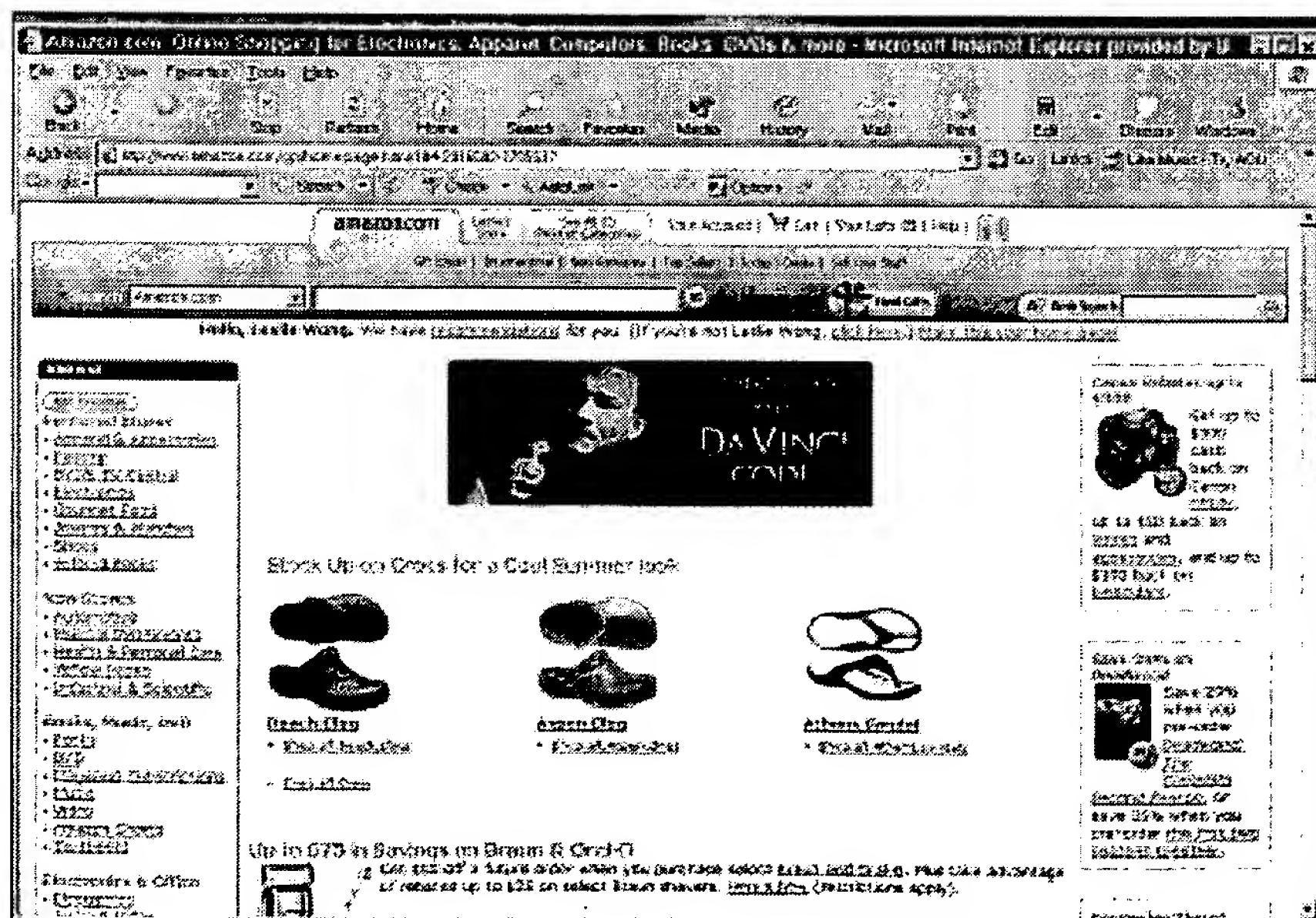
Response to Arguments

5. Applicants' arguments filed 29 September 2006 have been fully considered but they are not persuasive.

Applicants argue that nowhere does **Jacobi** teaches or suggests the limitations "allowing a user in communication with the visual browser to non-verbally select a main product; and upon the non-verbally selection of a main product, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user".

In response to the preceding arguments, Examiner respectfully submits Jacobi teaches the above limitations as if the user is currently searching for books on a particular topic... the method will more likely produce more books which produce same or similar topic (i.e., non-verbally)(col. 3, lines 53-55; col. 5, lines 32-35; col.7, lines 5-7; col. 10, lines 45 – 63; col. 7, lines 5-9; col. 4, lines 2-6; Fig. 2, element 94). Jacobi's teaching of providing functionality (from Amazon.com website) for allowing users to search, browse, and make purchases from an on-line catalog etc... implies that upon users conducted a search to find the interested products, the system would display/list selected items as search results and allow users to pick the desired products and make purchases (i.e., add to shopping carts).

The below image from the Amazon.com shows a variety of products: Apparel and Accessories, Beauty, DVD's TV Central, Electronics, Gourmet Food, and Shoes etc... which Amazon offers from the website.



As can be seen from the above, Jacobi teaches the limitation “allowing a user in communication with the visual browser to non-verbally select a main product; and upon the non-verbally selection of a main product, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user” and “displaying a random assortment of products to a user” as claimed.

Applicants argue that Jacobi’s methods are clearly verbal methods and recommendation service, and does not teach or suggest the limitation of Applicant’s amended independent claims “... allowing a user in communication with the visual browser to non-verbally select a main product”.

In response to the preceding arguments, Examiner respectfully submits that Examiner relies on Applicant’s specification page 11, lines 20-23 and page 14, lines 10-20 which disclose that the user has to **pick a main product to examine the claimed limitation**.

Applicant’s Specification page 11, lines 20-23 discloses:

The visual browser of the present invention allows a user to navigate a virtual store hosted by an ISP, without needing to express verbally what they are looking for (i.e. an explicit method), and instead provides non-explicit methods for virtual shopping. In particular, after a user picks a main product, the visual browser automatically presents similar and related products,

Further, Applicant's Specification page 14, lines 10-20 discloses:

Figure 3A is an example of a user interface 300 at a user's terminal computer displaying a main product and related products according to one embodiment of the invention. When a user logs on to a service provider having the visual browser of the present invention to engage in virtual shopping at the service provider's virtual store, the user is presented on the display of his/her computer with a user interface similar to that the Figure 3A. Of course the types of products shown, depend upon the type of virtual store and the products carried by that virtual store. Utilizing the visual browser of the present invention, when a user first enters the virtual store a random selection of items from the service provider's database of products is displayed as in Figure 3A. In this instance, a Deluxe Italian Basket 301 is randomly selected as the main product and is displayed in the main product space 302. Underneath the main product is a description of the main product and a price for the main product.

Also, Applicant's Specification page 13, lines 7-11 discloses:

When a user selects any of the displayed products (e.g. by clicking on the product with the user's mouse), the display refreshes with an updated user interface. The visual browser causes the updated user interface to display the selected product as the main product and to display related products having at least one attribute in common with the main product, as well as, non-related products.

Based on the above, Jacobi's teaching is similar to Applicant's invention in that it also requires that the user has to pick a main product; therefore, it is submitted that

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Jacobi's teaching is consistent with Applicant's claimed invention. Hence, Jacobi teaches the limitation as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571) 272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES RONES can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leslie Wong
Primary Patent Examiner
Art Unit 2164

LW
October 15, 2006